

I. **Introduction**

Generally, and with only a very few exceptions described in more detail in this policy below, activities of the Governing Board take place in the context of the meeting scheduled and held pursuant to the Arizona Open Meeting Law, A.R.S. § 38-431 *et. seq.* The role of the Governing Board is to establish Districtwide policy and direction and otherwise to direct the affairs of the District in the manner specified by law, with day-to-day management of the District primarily being the responsibility of District Administration.

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A Governing Board member generally operates only as a member of the Board as a whole and within the confines of its Governing Board meeting. There are some instances where an individual Board member properly may request or require utilization of District resources outside of such a meeting.

The purpose of this policy is to describe which activities are authorized for individual Governing Board members so as to promote the cost-efficient and equitable operation of the District. For the purpose of this Governing Board policy, “use of district resources” means use of district equipment, materials, travel, rooms, facilities and efforts of district employees, so long as it is in compliance with the law.

Comment [A1]: I think it is prudent to make it clear that 15-511 and other provisions of the law may prohibit using District resources.

Throughout this policy, the term “open meeting” means a meeting held in compliance with the Arizona Open Meeting Law.

II. **Officers of the Board**

The Board shall meet between January 1 and January 15 each year, and at other appropriate times, to elect from among the membership of the Board a President and a Clerk.

The Board President shall preside over all Board meetings and maintain order in accordance with the Arizona Open Meeting Law and Governing Board Policy BDAA. Additionally, the Board President shall implement ~~board~~ Board action when a vote of the Board in an open meeting gives the Board President authority to act.

The Clerk shall perform duties during the Board meetings as assigned by the Board President. In the absence of the Board President, the Clerk shall serve as President of the Board. In the absence of the Board President and Board Clerk, Board members shall select a temporary president, which shall be recorded in the minutes.

III. **Supervision and Evaluation of District Personnel Assigned to Work in the District Governing Board Office.**

The Director of Staff Services to the Governing Board Office (the “Director of Staff Services”).. shall report to and be supervised by the Board President. All other District personnel assigned to work in the District Governing Board Office shall report to and be supervised by the Director of Staff Services.

Comment [A2]: This is the official title that Mary Alice Wallace holds.

The job responsibilities of the Director of Staff Services shall be set forth in a job description for that position adopted by the Board.

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Annually, or more frequently in the discretion of the Board, the Board President and Board Clerk shall evaluate the performance of the Director of Staff Services, after receiving input from each of the other Board members. Each Board member shall have the opportunity to add an unedited commentary of his or her individual observations or evaluation of the Director of Staff Services, which shall be attached to the evaluation as an appendix.

#### III.IV. Guidelines

When engaged in individual activities, such as correspondence, speaking engagements, or meeting with constituents or employees, individual Governing Board members may represent their personal opinions, but may not represent the Governing Board as a whole unless expressly authorized by action of the Board taken in an open meeting.

The following is a list of the situations where Governing Board members are authorized to request the use of District resources outside of the scheduled Governing Board meetings:

##### A. *Directives to and Requests for Information from District Employees*

Individual Governing Board members are not authorized to issue directives to or make requests of District employees, other than as authorized by Subsection III-IV (B) below relating to District personnel assigned to the Governing Board ~~staff~~Office, or as otherwise expressly permitted by Governing Board policy or official action of the Governing Board taken in an open meeting. Individual Governing Board members are authorized to make requests for information reasonably related to issues that have been, or reasonably may be addressed by the Governing Board. All such requests for information must be directed through the office of the Superintendent. The Superintendent's office will be responsible for responding to each request. The Superintendent shall forward a copy of each request for information and the response thereto, or a summary of the response, to the entire Governing Board. Governing Board members should be considerate of staff time required to fulfill information requests.

##### B. *Directives to, and Requests for Information from, Governing Board Staff*

~~Governing Board Staff~~District employees assigned to the Governing Board Office act at the direction of the Governing Board as a whole as specified by Governing Board policy or by official action taken at an open meeting. ~~pursuant to the Open Meeting Law.~~

Individual Governing Board members shall make requests for information to of, or give directives to, Governing Board staff through the Director of Staff Services. ~~to the Governing Board. The Director of Staff Services may answer the request for information or may assign the task to other employees who report to the~~ All other employees in the Governing Board Office report to the Director of Staff Services. Governing Board members should be considerate of staff time required to fulfill information requests.

Other than the Board President, individual Board members may not issue directives to District employees assigned to the Governing Board Office.

##### C. *Individual Governing Board Member Correspondence*

**Comment [A3]:** It can be misleading to call these Governing Board staff. They are District employees assigned to the Governing Board Office.

**Comment [A4]:** This is the official title that Mary Alice Wallace holds.

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An individual Governing Board member has the authority to request or direct the preparation and mailing of any correspondence when expressly authorized by vote of the Governing Board. A Governing Board member may request or direct the preparation and mailing of correspondence in response to written or oral inquiries from constituents of the District. Correspondence should not have the purpose of influencing the outcome of an election, ~~or~~ furthering an individual Governing Board member's name recognition for seeking election to public office, or violating any Governing Board policy or law. All correspondence will conform to all applicable laws and regulations ~~which that~~ address the use of District resources, and all correspondence shall be available for review by all Governing Board members.

D. *Other Authorized Activities for Individual Governing Board Members*

Nothing in this Governing Board policy is intended to restrict an individual Governing Board member in the role of a private citizen when the activity does not require the use of District resources.

An individual Governing Board member may engage in activities requiring the use of District resources only when expressly authorized by Governing Board policy, ~~or~~ action, or law. Such activities include District-sponsored meetings and District-sponsored forums. Unless authorized by the Governing Board in an open meeting, individual Governing Board members may not sponsor activities that require the use of District resources. An individual Governing Board member shall have an expectation to equal access to budgeted monies for authorized Governing Board activities, such as travel to approved conferences and similar purposes.

E. *Signing of Warrants and Orders*

Governing Board members are permitted to sign warrants and orders for salary or expenses between meetings in a manner permitted by A.R.S. § 15-321 (G). The orders must be ratified at the next regular or special meeting of the Governing Board.

F. *Conflict of Interest*

Governing Board members shall comply with all provisions of Governing Board Policy BCB, Board Member Conflict of Interest and Arizona's conflict of interest laws.

IV.V. **Accountability**

Any alleged violation of this policy shall be reported to ~~either the Superintendent or the Director of Staff Services for the Governing Board who in turn shall report the allegation to~~ the Board President or, if the alleged violation was committed by the Board President, to the ~~most senior~~ Governing Board ~~as a whole member not involved in the alleged violation~~.

The ~~Governing Board~~ President member who receives the report will meet personally with the Governing Board member who is the subject of the report to discuss the content of the report, the behavior, its impact, and an understanding of the interests of the parties. Alternatively, if the allegation involves acts allegedly committed by the Board President, the Board shall meet and vote on how to address the allegations.

V.VI. **No Retaliation**

No district employee will be disciplined for declining to comply with a request or a directive of an individual Governing Board member ~~which that~~ is contrary to the terms of this policy, or for reporting an alleged or attempted violation of this Governing Board policy or the law.

**Comment [A5]:** Former policy says senior but I do not know what that means.

**Comment [A6]:** This whole paragraph could be really problematic.

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